

## EXHIBIT "L"

A FAX MESSAGE FROM:

**SMITH HIMMELMANN**  
ATTORNEYS AT LAW • A LAW CORPORATION

DAVIES PACIFIC CENTER • SUITE 909  
841 BISHOP STREET • HONOLULU, HAWAII 96813  
TELEPHONE: (808) 523-5050  
E-MAIL: [shlaw@flex.com](mailto:shlaw@flex.com)  
Reply FAX Number: 808-538-1382

DATE: July 18, 2002

TO: Hazel E. Wong, Labor Advisor  
OF: COMNAVREG - Hawaii (Code N01CP.1B, HRO)  
FAX Number: 474-3598 @ <08>

FROM: Elbridge W. Smith

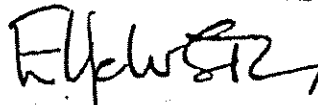
RE: Milton K. Kaopua, Supv. Firefighter (Capt)

Thank you for responding to our question regarding the BEO responsibility for the Federal Fire Dept. by leaving me the voice mail message. We will initiate that contact.

Your message also noted that the last doctor's note you have from Dr. Ginandes says that Kaopua is off work until September 1. Therefore, you don't understand the failure to accommodate allegation and ask what accommodation does he want? My copy of Dr. Ginandes last note says he will be off until "at least 9-1-02." Dr. Ginandes has repeatedly and consistently said, as has Dr. Davé, and has OWPC nurse Neill, that until Mr. Kaopua has been assured that his work environment is safe he cannot successfully return to work, which should then be to his usual duty station in Lualualei. Thus his impairment and disability continue by both the action and inaction of the Fire Department rather than resolve.

Both doctors and the OWCP have asked me what corrective and accommodating actions the Department is taking or at least offering given the accepted facts of his injury and his diagnosis (e.g., what appropriate resolution to the ongoing threat of violence, what corrective action for a death threat by a co-worker in possession of an illegal firearm, what corrective action for the whistleblower disclosures and perceived retaliations?) and the agency gives no reply to me to give to them, nor does it give any directly to Mr. Kaopua, the doctors, or OWCP.

Most sincerely yours,  
SMITH HIMMELMANN

  
Elbridge W. Smith

cc: Milton Kaopua  
Shepard Ginandes, MD  
fc: Dr. Robert Davé, PhD  
Jamie Neill, RN (OWCP)

**EXHIBIT L**

245

*Specializing in Representing Federal Employees*

ENCLOSURE (20)